

**IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

SHERMAN DIVISION

DATE: 8/22/2018

DISTRICT JUDGE
Amos L. Mazzant, III

COURT REPORTER: Jan Mason
COURTROOM DEPUTY: Keary Conrad

USA vs. DEREK ALLDRED	4:17CR105
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ATTORNEYS FOR PLAINTIFF	ATTORNEYS FOR DEFENDANT
William Tatum	Robert Arrambide

On this day, came the parties by their attorneys and the following proceedings were held in Sherman, TX:

TIME:	MINUTES: SENTENCING
9:42 a.m.	Court in session. Court notes appearances. Parties have reviewed PSR, the Court notes the Defendant's objections.
9:43 a.m.	Government advises the Court that the Parties have agreed to a loss amount of \$254,892.41. Court notes this changes the calculations in PSR from +14 to +12.
9:45 a.m.	Arrambide advises the Court that considering the agreement on the loss amount, defense believes that covers the objections 1, 2, 3, and 4. Arrambide addresses objection number 5. Court hears from Government.
9:55 a.m.	Court overrules objection number 5 and finds sufficient evidence of inconsistent statements; no acceptance points will be given.
9:58 a.m.	Parties review objection number 6. Arrambide withdraws objection number 6.
9:58 a.m.	Parties review objection number 7. Court hears from Arrambide. Court hears response from Government. Response from Arrambide.
10:06 a.m.	Court overrules objection number 7.
10:07 a.m.	Parties review objection number 8. Court hears from Arrambide. Court hears response from Government.
10:09 a.m.	Court overrules objection number 8.
10:10 a.m.	Parties review objection number 9. Court overrules objection number 9.
10:10 a.m.	Parties review objection number 10. Court hears from Arrambide.
10:12 a.m.	Court notes Defendant claims legally blind and notes documents submitted by Social security Administration. Court overrules objection number 10 - does not effect guideline range.

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TIME:	MINUTES: SENTENCING
10:12 a.m.	Parties review objection number 11. Court hears from Arrambide. Court hears response from Government. Response from Arrambide.
10:14 a.m.	Court will recommend mental health treatment.
10:15 a.m.	Court notes that due to the agreed upon restitution amount, that changes paragraph 48 in the PSR to +12 and lowers total offense level to 27.
10:15 a.m.	Court noted Defendant entered a plea of guilty to Counts 3, 4, and 6 of the Superseding Indictment. Court fully accepts the plea agreement.
10:16 a.m.	Bench conference with Probation.
10:17 a.m.	Court adopts PSR except the change of the agreed restitution amount. TOL: 27, CHC VI, guideline provision: Count 3: 2 years, consecutive to all other counts; Count 4: 2 years, consecutive to all other counts; Count 6: 130 months to 162 months. Government argues motion (Dkt. #66, sealed).
10:24 a.m.	Arrambide requests to allocute after victims.
10:25 a.m.	Court notes all statements have been reviewed by the Court.
10:25 a.m.	Court hears from victim, Cindy Pardini.
10:34 a.m.	Court hears from victim, Dorie Watkins
10:38 a.m.	Court hears from victim, Melissa Brandt.
10:43 a.m.	Maureen Smith appears on behalf of the Government. Court hears from victim, Linda Dyas.
10:49 a.m.	Court hears from victim, Kevin Melder.
11:22 a.m.	Court hears from victim, Wendy Harvey.
11:24 a.m.	Court hears from victim, JoAnn Venhuizen.
11:27 a.m.	Court hears from victim, Dr. Kimberly Schmotter.
11:39 a.m.	Court hears from victim, Vanessa Cabello.
11:43 a.m.	Court hears from Robert Arrambide on behalf of Defendant. Government re-urges their motion.

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TIME:	MINUTES: SENTENCING
11:53 a.m.	Defendant allocutes.
11:57 a.m.	Court determines that an upward variance is warranted. Court grants the Government's motion.
12:06 p.m.	Sentence imposed: Counts 3, 4 and 6 imprisonment for a total term of 288 months. The term consists of 24 months on Count 3, 24 months on Count 4, and 240 months on Count 6 of the Superseding Indictment, all to be served consecutively; defendant receive appropriate mental health and drug treatment; defendant shall participate in the Inmate Financial Responsibility Program at a rate determined by Bureau of Prisons staff in accordance with the requirements of the Inmate Financial Responsibility Program; defendant is to pay restitution totaling \$254,892.41 to the victims. fine and interest waived; special assessment of \$300, due immediately; supervised release for a term of three (3) years. This term consists of terms of one year on Count 3, one year on Count 4, and three years on Count 6, all such terms to run concurrently.
12:10 p.m.	Rights of appeal are addressed.
12:11 p.m.	Government moves to dismiss the remaining counts of the Indictment; Court grants request. BOP request: Minnesota.
12:11 p.m.	Court adjourned.

DAVID O'TOOLE, CLERK

BY: Keary Conrad
Courtroom Deputy Clerk